

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SOUTHERN COAL SALES CORP.,

Plaintiff,

vs.

XCOAL ENERGY & RESOURCES,
XCOAL ENERGY & RESOURCES
LLC, ERNIE L. THRASHER,

Defendants.

Miscellaneous No. 12-395
Judge Arthur J. Schwab
Related to 12cv0265 (W.D. VA)

ORDER GRANTING MOTION TO COMPEL (DOC. NO. 9)^{1, 2}

After considering Plaintiff's Motion to Compel (doc. no. 9), Consol Energy, Inc.'s Opposition thereto (doc. no. 13), and Reply thereto (doc. no. 14), IT IS HEREBY ORDERED that said Motion (doc. no. 9) is GRANTED, and Consol Energy Inc. ("CONSOL") shall provide full, complete, and substantive responses to Southern Coal Sale Corporation's Subpoena, served October 16, 2012, as set forth in exhibit A hereto (as amended), on or before April 4, 2013. The production shall be made in an orderly manner and in a usable format.

SO ORDERED, this 21st day of March, 2013

s/ Arthur J. Schwab

Arthur J. Schwab
United States District Court Judge

¹ The Court does not have jurisdiction to consider CONSOL'S Motion for Protective Order (doc. no. 13), and thus said Motion is DENIED. See Fed.R.Civ.P. 26(c).

² The request of CONSOL (doc. no. 13) to "shift []the costs required to respond" to this Order of Court and related Subpoena is DENIED.